

**IN THE DRAWINGS**

Please approve the changes to FIG. 1 submitted herewith as a "Replacement Sheet".

### REMARKS

This application has been reviewed in light of the Office Action dated February 23, 2005.

Claims 1-10 are now pending in the application. Claims 1, 3 and 10 have been amended to clarify the invention and correct typos. Claim 11 has been added. No new matter has been added. The Examiner's reconsideration of the rejection in view of the following remarks is respectfully requested.

By the Office Action, FIG. 1 was objected to by the Examiner. FIG. 1 is submitted for approval with corrections on the attached drawing sheet labeled "Replacement Sheet". Reconsideration is respectfully requested.

By the Office Action, the Examiner objected to the Abstract. Appropriate correction has been made. Reconsideration is respectfully requested.

Typographical errors to the specification have been corrected as listed above.

By the Office Action, claims 1-4 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent 6,341,313 hereinafter referred to as Kanoh in view of US Patent 6,563,826 hereinafter Shikama.

The Applicant respectfully disagrees with the rejection.

Kanoh is directed to a packet switch which provides a write signal to a previous stage when processing of a packet in a FIFO memory has begun. The signals are sent between stages to control signal flow through the stages. Kanoh fails to disclose or suggest the present invention as claimed. For example, Kanoh fails to disclose or suggest at least a first index and second index of a packet, as stated by the Examiner. In addition, Kanoh fails to disclose or suggest, *inter alia*, that the sequencer is operative to determine the sequence in which the data packets

(23) are to be switched to the output line based on a result of a mathematical operation on the first index and the second index. The Examiner has cited Shikama to cure this deficiency.

Shikama is directed to a method for controlling errors in transmission of packets. While packets have two indexes, i and j, these indexes represent a packet number that precedes and a packet number that antecedes the current packet. This implies that the indexes are employed to place the packets in a predetermined order established at the fabrication source of the packets. These packets in no way represent a value of the priority of the content and an importance level of the content. Instead, the indexes of Shikama provide a predetermined packet order.

Claims 1 and 10 have been amended to clarify the present invention. Claim 1 includes, *inter alia*, ... a packet header (21), which contains a first (25) and a second index (26) representative of a first and a second priority characteristic of the data packet (23), ... the sequencer is operative to determine the sequence in which the data packets (23) are to be switched to the output line (11) based on a result of a mathematical operation on the first index (25) and the second index (26). A similar amendment has been made to claim 10.

The first and second indexes include a value based on the importance of the data (e.g., example, a score of the impact of whether the packet is lost or delayed). Kanoh and/or Shikama taken singly or in combination fail to disclose or suggest that a packet header, which contains a first and a second index representative of a first and a second priority characteristic of the data packet is operative to determine the sequence in which the data packets are to be switched to the output line based on a result of a mathematical operation on the first index and the second index.

The first and second priority characteristics of the data packet are used to determine the sequence in which the data packets are to be switched to the output line based on a result of a mathematical operation on the first index and the second index. This is not disclosed or

suggested by the cited art combination. Since claims 2-4 depend from claim 1, they are believed to be in condition for allowance for at least this reason. Therefore, reconsideration of the rejection is respectfully requested.

The Applicant notes with appreciation the allowability of claims 5-9 if rewritten in independent form with all of the elements of the base claim and intervening claims. However, in view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

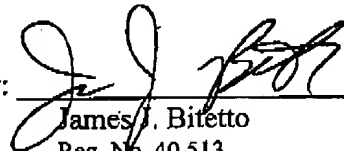
It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,

Date:

5/23/05

By:

  
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